

Article 13: Mission Beach Planned District

(“Mission Beach Planned District” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

Division 1: General Rules

(“General Rules” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0101 Purpose and Intent

It is the purpose of these regulations to provide reasonable restrictions on the construction or alteration of residential and commercial developments related to the small-lot size and the urbanization pattern of the Mission Beach community. The intent is to implement the adopted Mission Beach Precise Plan.

(“Purpose and Intent” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0102 Boundaries

The regulations which follow shall apply in the Mission Beach Planned District. The boundaries of the Mission Beach Precise Plan Area in the City of San Diego, California, are designated on Map Drawing No. C-637.1. (Described in the appended boundary description, filed in the office of the City Clerk under Document No. 768482.) The Mission Beach Planned District is generally bounded by Pacific Beach Drive on the north, Mission Bay Park on the east, the San Diego River Flood Control Channel on the south, and the Pacific Ocean on the west.

(“Boundaries” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0103 Applicable Regulations

Where not otherwise specified in the Mission Beach Planned District Ordinance, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews) except Article 6, Division 6 (Planned Development Permit Procedures);

Chapter 13 (Zones);

Chapter 14, Article 1 (Separately Regulated Use Regulations);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 5 (Parking Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations) except Division 4 (Planned Development Permit Regulations);

Chapter 14, Article 4 (Subdivision Regulations);

Chapter 14, Article 5 (Building Regulations);

Chapter 14, Article 6 (Electrical Regulations); and

Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and the Mission Beach Planned District Ordinance, the Planned District Ordinance applies.
(*“Applicable Regulations” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.*)

§1513.0104 Severability

- (a) If any section, subsection, sentence, clause or phrase of this Planned District Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.
- (b) The following ordinances of the City of San Diego which zoned or rezoned all of that area within the boundaries of the Mission Beach Planned District, as shown on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, be, and they are hereby repealed insofar as they conflict herewith:

Ordinance No.	Date
119 N.S.	Adopted January 3, 1933
243 N.S.	Adopted June 5, 1933
2680 N.S.	Adopted June 8, 1943
3323 N.S.	Adopted January 7, 1947
6719 N.S.	Adopted October 25, 1955
6735 N.S.	Adopted November 3, 1955
10958 N.S.	Adopted December 5, 1972
10968 N.S.	Adopted January 2, 1973

- (c) The area, as described in the appended boundary description, on file in the office of the City Clerk as Document No. 765388, in the City of San Diego, California, within the boundaries of the Planned District designated "Mission Beach Planned District," together with designated subdistricts on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, be, and it is hereby incorporated in the Mission Beach Planned District Ordinance as such district, together with its various subdistricts, is described and defined by Chapter 15, Article 13 of the San Diego Municipal Code.

("Severability" added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0105 Definitions - Purpose and Intent

It is the purpose of Section 1513.0105 to provide clear and concise definitions of those words, terms and phrases which apply only to the Mission Beach Planned District area.

It is also intended that the definitions in Land Development Code Section 113.0103 shall be used when they do not conflict with the definitions set forth in this Planned District Ordinance. This is to provide uniformity of interpretation and application.

Balcony, Exterior - A roofed or unroofed platform, enclosed by a railing or parapet, projecting from an exterior wall of a building. When a balcony is roofed and has less than 40 percent of its vertical surface permanently open, it is considered to be part of the room or interior area it serves and is included in computations of gross floor area. When a portion of a roof is enclosed by a railing, said area shall be defined as a porch or terrace.

Corner Lot, Mission Beach - Any lot situated at the intersection of 2 or more streets, courts, places, walks, or alleys, which have an angle of intersection, measured within said lot, of not more than 135 degrees.

Court - Any named pedestrian way having no motorized vehicular access dedicated for the primary use of pedestrians as a means of access to abutting properties.

Floor Area Ratio - The numerical value obtained by dividing the gross floor area of a building or buildings on the premises by the total parcel area of the premises on which such building or buildings are located.

Gross Floor Area – The total horizontal area, expressed in square feet, of all the floors of a building included within the surrounding walls.

Gross floor area shall include:

- (a) Enclosed exterior stairwells (excluding the enclosed area under any stairwell from the ground to the second floor only), aboveground parking structures and exterior elevator shafts.
- (b) The floor area of mezzanines and other similar interior balconies.
- (c) Exterior balconies, entrances, porches, canopies, rigid awnings, stoops, openly supported terraces, openly supported stairways, and sun baffles or shades which are constructed and maintained with less than 40 percent of the vertical surface permanently open.

Lot Coverage - Lot coverage is that portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and which extend more than 3 feet above grade level provided, however, that the following shall be exempted:

- (a) Exterior balconies, entrances, canopies, rigid awnings, stoops, openly supported terraces, openly supported exterior stairways and sun baffles or shades provided they:
 - (1) Do not encroach into required yards;
 - (2) Do not project more than 6 feet from the supporting structures;
 - (3) Are constructed and maintained with not less than 40 percent of the vertical surface permanently open except for those walls which are used in common with the building.

- (b) Roofed areas enclosed by no more than 3 exterior walls of a building which provide shelter to exterior balconies, entrances, stoops, terraces, and exterior stairways.
- (c) Cornices and eaves.
- (d) Those portions of a structure lying partially above grade but not exceeding 3 feet above grade. All horizontal dimensions shall be taken from the exterior faces of walls, including those structural and architectural appendages as defined and set forth herein.

Place - Any named vehicular way, also having pedestrian access, dedicated for the primary use of vehicles and pedestrians.

Sign - All definitions pertaining to "SIGN," shall be all those definitions set forth in Land Development Code Section 113.0103.

Subdistrict - A portion of the territory within the boundaries of the Mission Beach Planned District within which certain regulations and requirements apply under the provisions of the Planned District Ordinance Regulations.

Walk, Bayside and Ocean Front - Any public way immediately adjacent to the ocean in the case of an Ocean Front Walk and the bay in the case of a Bayside Walk, dedicated for the primary use of pedestrians and bicycles.

Yard, Bayfront, Ocean Front, Court, Place, and Mission Boulevard - That open, unoccupied space extending across the lot and measured inward, perpendicularly, from the property line adjacent to either Bayside Walk, Ocean Front Walk, Public Beach, Court, Place and/or Mission Boulevard and parallel thereto for a distance specified in this Planned District Ordinance.

("Definitions - Purpose and Intent" added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)